

Message

From: molly.cagle@bakerbotts.com [molly.cagle@bakerbotts.com]
Sent: 4/4/2019 9:33:04 PM
To: Quinones, Edwin [quinones.edwin@epa.gov]
CC: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Lets talk.

Sent from my iPhone

On Apr 4, 2019, at 1:31 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Hi All,

Attached is our redline/strikeout of the proposed SOW. I added a new Item 3 concerning emptying the secondary containment, which OSC Adams explains your client is already doing.

With respect to the highlighted portion in Item 5, TCEQ's OSC counterpart in Unified Command raised concerns about it. Although TCEQ counsel has not seen it, their counsel called yesterday and expressed grave concerns with any proposal to discharge treated wastewater. EPA is deferring to TCEQ, which is why the highlighted portion has been deleted.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
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Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

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<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC CERCLA Statement of Work Wastewater Discharge Language 4-4-19.docx>